

Remarks

In paragraph 7 of the Office Action, the Examiner has merely objected to claims 11, 12, 14, 29, 31 and 33-37 as being dependent upon a rejected base claim but has indicated these claims would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Therefore, the following changes have been made herein:

Claim 11 has been cancelled and resubmitted in independent form as new claim 38.

Claim 12 has been amended to depend from new claim 38.

Claim 14 has been amended to depend from new claim 38.

Claim 29 has been cancelled and resubmitted in independent form as new claim 39.

Claim 31 has been cancelled and resubmitted in independent form as new claim 40.

Claim 33 has been cancelled and resubmitted in independent form as new claim 41.

Claim 34 has been amended to depend from new claim 41.

Claim 35 has been cancelled and resubmitted in independent form as new claim 42.

Claim 36 has been cancelled and resubmitted in independent form as new claim 43.

Claim 37 has been cancelled and resubmitted in independent form as new claim 44.

In view of these changes, it is believed that claims 12, 14, 34 and 38-44 are in condition for allowance.

In paragraph 3 of the Office Action, the Examiner has rejected claim 5 under 35 U.S.C. § 112, second paragraph., as being indefinite because of the recitation of "first jaw" and "second jaw" in claim 5 when claim 1, from which claim 5 depends, already mentions "jaws." In response, claim 5 has been amended to delete reference to "first" and "second." Thus, it is believed that this rejection has been overcome and may now be withdrawn.

In paragraph 5 of the Office Action, the Examiner has rejected claims 1, 2, 5 and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,353,910 to Harris et al. Applicant respectfully traverses this rejection for the following reasons.

In Harris et al. '910, the clamping forces are transmitted through the vertical columns of the shuttle vise to the feed table on which the conveyor is mounted. In the present invention, a reaction system prevents this transmittal of force. Rather, the clamping forces are substantially counteracted by the reaction system so that no forces are transmitted to a conveyor or feed table.

Claim 1 has been amended to clarify that the clamping force is not applied to the conveyor. In view of this amendment, the previously discussed amendment to claim 5 and the clear distinction between the present invention and that of Harris et al. '910, it is respectfully submitted that the claims 1, 2, 5 and 17 should be withdrawn and the claims allowed.

In paragraph 6 of the Office Action, the Examiner has rejected claim 28 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,944,477 to Shill. Applicant respectfully traverses this rejection for the following reasons.

The apparatus of Shill is not an apparatus for moving a workpiece along a conveyor to a machine tool. Thus, it cannot be a basis for rejecting claim 28 under 35 U.S.C. § 102(b) for rejecting claim 28.

More specifically, Shill's apparatus does not have a shuttle vise. The portion of the apparatus that the Examiner equates to the shuttle vise is not moveably disposed on the conveyor. Rather, it simply straddles the conveyor and does not move. Members 40 and 42 are identified as "side plates" which are used to "engage the opposed bundled sides 18 and square the sides with the bundle top and bottom surfaces 20, 22." (Col. 3, lines 61-65). Side plates 40 and 42 do not clamp in the same sense as the jaws of the present invention, but even more importantly, the side plates are not used to move the bundles along the conveyor.

Also, member 35 in Shill is a cross member that supports a bundle end stop that is moved vertically by a stop actuator 33. The side plates are not mounted to this portion of the apparatus, and thus, cross member 35 does not act as a clamping force bar as claimed in the present invention. Any clamping forces generated by side plates 40 and 42 are transmitted to leg members 29 and 30 which is precisely what the claimed invention is designed not to do.

As seen from these arguments, the apparatus of Shill fails to have nearly every element of claim 28 and clearly cannot be used as a reference to anticipate the claimed invention.

Claim 28 has been amended to correct typographical errors. In view of this amendment and the above-described failure of Shill to meet the requirements of 35 U.S.C. § 102(b), claim 28 should be allowed.

Applicant notes that the Office Action does not address claims 15 and 16. If a basis for rejecting these claims is presented in a future Office Action that action should not be made final.

Regardless of this, in view of the amendment to claim 1, claims 15 and 16 should be allowable in any case.

Conclusion

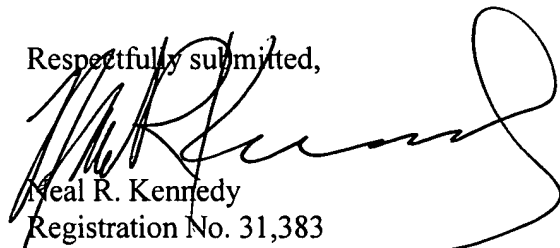
Claims 11, 29, 31, 33, 35, 36 and 37 have been cancelled and resubmitted in independent form as new claims, 38, 39, 40, 41, 42, 43 and 44, respectively. Claims 12 and 14 have been amended to depend from new claim 38, and claim 34 has been amended to depend from new claim 41. Therefore, claims 12, 14, 34 and 38-44 are allowable.

Claim 5 has been amended to overcome the indefiniteness rejection.

Claims 15 and 16 were not addressed in the Office Action but are believed to be allowable.

Claims 1 and 28 have been amended. In view of these amendments, the amendment to claim 5 and the arguments presented it is believed the remaining claims are patentable over the prior art of record and should be allowed.

Respectfully submitted,



Neal R. Kennedy

Registration No. 31,383

McAFEE & TAFT

Tenth Floor, Two Leadership Square

211 North Robinson

Oklahoma City, Oklahoma 73102

Telephone: (405) 235-9621

FAX No.: (405) 235-0439

E-Mail: nick.kennedy@mcafeetaft.com

Attorney for Applicant